

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.30265 of 2016

ORDER:

This writ petition is filed seeking writ of *Mandamus*, declaring the action of the 2nd respondent in not releasing the entire seized stocks along with Bolero Jeep bearing registration No.TS 04 UB 3006, as illegal.

2. Heard Sri Bollam Lingaiah Yadav, learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies (Telangana), representing respondents 1 to 3.

3. A perusal of the record reveals that on 21.08.2016, the 3rd respondent intercepted Bolero jeep bearing No.TS 04 UB 3006 and 4.5 quintals of rice, alleging that the petitioner is transporting PDS rice without any licence. The case of the petitioner is that the petitioner purchased the said rice from the wholesale point for domestic purpose. Whether the rice in question is PDS rice or not is purely disputed question of fact and the same will be decided by the competent authority in a proceedings under Section 6-A of the Essential Commodities Act, 1955, to be initiated against the petitioner. If this court expresses any opinion touching the merits of the case, the same may cause prejudice to one of the parties to the proceedings.

4. At the time of arguments, the only relief sought by the petitioner is to direct the 2nd respondent to release the vehicle as well as rice. Learned Assistant Government Pleader for the Civil Supplies submits that if this court is inclined to release the vehicle and rice, the petitioner may be directed to furnish bank guarantee to the value of the vehicle and rice.

5. It is needless to say that if the vehicle and rice are kept in the custody of the 2nd respondent, it may cause untold hardship and financial loss to the petitioner. So also, if the vehicle and rice are released unconditionally, it may not be possible for the respondents to take appropriate action against the petitioner in the event of the vehicle and rice are being liable for confiscation or fine.

6. Having regard to the facts and circumstances of the case and submissions made by both the counsel, the 2nd respondent is hereby directed to release 4.5 quintals of rice in favour of the petitioner on furnishing a bank guarantee for Rs.6,750/- (Rupees six thousand, seven hundred and fifty only). The 2nd respondent is further directed to release the vehicle i.e., Bolero Jeep bearing No.TS 04 UB 3006 in favour of the petitioner, on furnishing a bank guarantee for an amount of Rs.1,50,000/- (Rupees one lakh, fifty thousand only). The petitioner shall also furnish an undertaking that he shall not alienate or alter the nature of the vehicle or create any third party interest over it pending disposal of the proceedings before the competent authority.

7. The writ petition is, accordingly, disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Date: 08.09.2016.
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T. SUNIL CHOWDARY, J

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